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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/780,113 | 02/17/2004 | Hans Meessen | RANPP0352USA | 6512 |

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EXAMINER

DESAI, HEMANT

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
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3721

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/780,113

Applicant(s)

MEESSEN, HANS

Examiner

Hemant M Desai

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 6 and 7 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

“spacer member” (claim 6, line 2; claim 7, line 2), which was not described, in the originally filed specification.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harding (6756096) in view of Simmons (5749821).

Harding discloses a dunnage conversion system and method for converting multiple plies of sheet material (P1, P2, P3, fig. 2) into a relatively less dense, three-dimensional dunnage product, the system comprising a converter (10, fig. 2) including a

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conversion assembly (12, fig. 2) that is driven by a motor (30, fig. 2) to advance multiple plies of sheet material through the converter for conversion of the multiple plies of sheet material into a relatively less dense, three-dimensional dunnage product (see col. 7, lines 25-30), where the multiple plies of sheet stock material are fed to the conversion assembly along respective in feed paths, a controller (see col. 6, lines 42-44) that controls operation of the motor.

Harding, as mentioned above, discloses all the claimed limitations, except for an end-of-web detector located upstream of the conversion assembly (forming assembly 26, fig. 2) for detecting the presence or absence of the ply and providing an output to the controller. However, Simmons teaches the end-of-web detector (118, fig. 8) located upstream of the conversion assembly for detecting the presence or absence of the ply and signal generated by the sensor may be used by the controller (32) to stop the feed motor (36, see col. 6, lines 29-52). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the end-of-web detector located upstream of the conversion assembly as taught by Simmons in the dunnage conversion system and method for converting multiple plies of sheet material (P1, P2, P3, fig. 2) into three-dimensional dunnage product of Harding for detecting the presence or absence of the ply and signal generated by the sensor may be used by the controller to stop the feed motor. Simmons uses a single end of the web detector for single infeed path. Since the system and method of Harding discloses multiple plies of sheet material being fed to the conversion assembly along respective in feed paths, it would have been obvious to one having ordinary skill in the art at the time the invention

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was made to provide plurality of sensors respectively associated with the separate infeed paths to detect the end of the respective web and the signal generated by the sensor may be used by the controller to stop the feed motor since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis co.*, 193 USPQ 8.

Regarding claim 7, Harding discloses a separating member (80, fig. 2) interposed between the infeed paths of the sheet stock material plies for separating the plies.

5. Claims 2-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harding and Simmons as applied to claim 1 above, and further in view of Simmons, Jr. et al. (6217501).

The system and method of Harding as modified by Simmons meets all the limitations of claims 2-4, except for utilizing optical sensors with transmitters and receivers and reflective surfaces for each sensor. However, Simmons, Jr. et al. teach to utilize plurality of optical sensors (146, 148, figs. 3, 5 and 6A) to detect the presence or absence of a pad. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the photoelectric sensors of the modified system and method of Harding with the optical sensors of Simmons, Jr. et al. to detect the end of the web.

Regarding claim 5, Harding discloses a splicing surface (92, fig. 2) against which the trailing ends of the plies of a spent supply of stock material can be joined to the leading ends of the plies of a new supply of stock material.

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Regarding claim 6, Harding discloses a separating member (80, fig. 2) interposed between the infeed paths of the sheet stock material plies for separating the plies.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hemant M Desai whose telephone number is (571) 272-4458. The examiner can normally be reached on 7:00 AM-5:30 PM, Mon-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hemant M Desai
Examiner
Art Unit 3721

HMD


Rinaldi I. Rada
Supervisory Patent Examiner
Group 3700